

**HOUSING ADVISORY BOARD MINUTES**  
**July 21, 2020**  
**VIRTUAL MEETING**  
***(As approved at HAB meeting of September 9, 2020)***

**Members:** Roger Blood, Steve Heikin, Michael Jacobs, Jennifer Raitt, Rita McNally, Jonathan Klein

**Staff:** Virginia Bullock, Edward Bates, David Guzman

**Attendees:** Laurene Demoy, Patrick Dober, Ellen Perrin, Henry Winkelman, Victor Panak, Amanda Zimmerman, Beth Rubenstein, Wendy MacMillan, Michael Alperin

Roger Blood called the meeting to order at 7:05PM

**1. Approval of minutes from the May 27, 2020 meeting**

HAB members **VOTED** unanimously to approve the minutes from the May 27, 2020 meeting with one revision.

**2. Update on status of emergency rental assistance funding for Brookline Safety Net**

Virginia provided HAB members with an update on the emergency rental assistance provided by housing trust funds to support the Brookline Safety Net. She stated that approximately 2/3 of these funds have been utilized at this time. Overall, The Brookline Safety Net raised over \$1 Million dollars, through multiple sources, to support residents experiencing hardships due to Covid-19.

**3. Review of Brookline affordable housing resources – current sources and uses**

Virginia explained to HAB members that the Town has provided \$726,000 in free cash to the Housing Trust. She also mentioned that the Select Board was voting to approve \$200,000 in CDBG funds to be utilized for affordable housing projects. At the current time, there is \$3.7 Million in uncommitted funds for affordable housing.

**4. Continued discussion and possible vote on Brookline's local preference for affordable units.**

David Guzman, a Housing Planner in the Department of Planning and Community Development, provided a presentation to the HAB on the effects of local preference on affordable housing lotteries in Brookline. The presentation assessed local preference in the context of racial equity and fair housing. It also analyzed current statistics and identified challenges with the current local preference regulations in Brookline. David discussed a number of findings and also analyzed local preference in other majority white communities. His findings found that despite the best intentions of local preference to benefit local residents, the effects of these policies may produce an adverse discriminatory effect in majority white communities, such as Brookline. In conclusion, David talked about a number of actions the HAB can take to remedy this issue.

HAB members discussed different scenarios regarding local preference percentages and also the pros and cons of local preference in general. Virginia stated that the goal of local preference in Brookline is to provide people who already have a connection to Brookline, easier access to quality affordable housing. Jonathan Klein mentioned that he has always been skeptical of local preference and approves of lowering the percentage which would help make housing more broadly available to residents in the Greater Boston area. Many members approved of lowering the percentage of local preference from 70% to a percentage which is lower.

Roger asked for HAB members' thoughts regarding specific reductions of the current 70%, which aligns with both the state DHCD maximum and other communities surveyed by David. To focus the discussion on a specific possible outcome, Roger proposed halving current 70% local preference to 35%. Individual HAB members then discussed possible options ranging from a low of 10% to a high of 50%. Following this discussion--

Jonathan Klein **MOVED** and Mike Jacobs **SECONDED**

***That the Housing Advisory Board adopt and recommend a policy in Brookline, that to the extent the HAB can adopt it for the projects the Housing Advisory Board controls, the HAB set it, and to the extent for projects the Housing Advisory Board does not control, the HAB strongly recommends that the Town of Brookline adopt a policy of having the local preference be 25% and that HAB Affordable Housing Guidelines be adjusted accordingly.***

The MOTION was unanimously APPROVED by all members.

## **5. Inclusionary Zoning**

### **Next steps with Planning Board to adopt increased fees for 6-15-unit projects and Warrant Article for Fall Town Meeting**

Roger discussed Article 20 with HAB members and noted that the Article as previously submitted consisted of some simple numerical adjustments which would allow the Town to move ahead in adopting the increased fees for Inclusionary Zoning at the next Town Meeting. After further review, he reported that the Article needs HAB approval of some added language in order for it to fully include HAB's original intent.

Roger provided these proposed changes to HAB members for discussion. These revisions include :

- clarification that the new lower four-unit project size threshold for triggering an affordable housing obligation also includes an obligation trigger for as little as one net new unit in a four-unit project.
- clarification that the increased income limit from 100% to 120%AMI in the definition of "low and moderate income" applies only to owner-occupied affordable units, while the existing 100%AMI limit will continue to apply to affordable rental units.
- a required change from "six" to "four" units that was missed in the previously voted version.

Roger Blood **MOVED** and Jenny Raitt **SECONDED**

to allow for the language change to the Warrant Article included in Attachment A of the minutes, plus this specific additional sentence in the definitions section which is included in Attachment B of the minutes, plus the recommendation from the Housing Advisory Board to seek approval from the Planning Board for the increased fee structure consistent with Pam McKinney's recommendations.

The MOTION was unanimously APPROVED by all members

## **6. Follow-up on Town meeting Newbury-Welltower vote**

### **Next steps on timing and funding of BHA/Col. Floyd redevelopment project**

Roger discussed the Brookline Housing Authority's Col. Floyd project which was decided at Town Meeting as the appropriate option for the funds from the Newbury College site project to meet the developer's inclusionary zoning requirements. Roger stated that the Newbury-Welltower Articles approved by Town Meeting included approval of the MOA that requires a \$6.525mm Welltower contribution to the Housing Trust; but the Article itself made no direct reference to the BHA's Col. Floyd senior housing project. Town Meeting Members understood, however, that they were approving the rebuilding and expansion of the Col. Floyd project as described in the formal Explanation that was appended to the Warrant Article.

Roger further noted that the assurance given to Town Meeting that the \$6.525 million would be earmarked for the Col. Floyd project as described in the Article Explanation needs to be memorialized in writing in a form that contains the essential elements of the BHA-proposed project. He provided the HAB with summary language to this effect and explained that the reason for HAB to approve this language is serve as the basis for a request that Town Counsel convert this summary description into a formal document which would direct the Town's Chief Financial Officer to establish an earmarked, segregated line item account for Col. Floyd within the Affordable Housing Trust Fund. .

Virginia concurred that at some point, there will need to be a legal document to encumber the money and this statement would be the basis of beginning that process.

HAB members discussed the need for such a document as well as its proposed content. Some viewed this language as possibly hindering future flexibility in the project's future design. Examples of this are the unit numbers, density, and uses as both senior housing and family housing.

Mike Jacobs stated that the BHA's intent is for the Col. Floyd project is for it to continue senior housing only. He also said that this sort of formal earmarking document will help enable to BHA to begin lining up other needed sources of subsidy funds for the project to proceed.

Roger indicated that approving this document that describes the project that Town Meeting Members endorsed does not preclude future departures from what is described; it only defines

what would constitute such a departure, therefore something that would need Town Meeting concurrence to make such a change.

Roger **MOVED** Rita McNally **SECONDED**

**VOTED:** Moved the accept the statement included in Attachment C of these minutes to be converted by Town Counsel into a legal document to be presented to the Chief Financial Officer for the Town accompanying a request to establish a segregated line item account in the Housing Trust for this project.

After further discussion, including several HAB members raising questions and expressing differing views, Roger suggested that this Motion be tabled, with discussion and a possible vote to be deferred to a future HAB meeting

Rita McNally did not agree with tabling this vote based on the possibility of family housing on the Col. Floyd site as that particular use would not be appropriate.

**b. Discussion of affordable housing on West Parcel, including possible re-use of West Hall**

Roger discussed the West Parcel area of the Newbury College site which Town Meeting had voted to acquire for municipal uses, subject to voter approval of a \$15mm override to finance the purchase. He explained that affordable housing is included as one of the possible municipal uses for the West Parcel; if voters approve the acquisition, the public will be engaged in a planning process, and the HAB and others will be able to advocate that affordable housing be one of the uses for this three-acre site. Roger also noted that the West Parcel includes a 10,000 ft. mansion called West Hall which may be suitable for historic restoration as part of a larger affordable housing development.

**7. Community Preservation Act Warrant Article update on status**

HAB members discussed the proposed Warrant Article to enact the Community Preservation Act in Brookline. All members expressed support for the Town to adopt the CPA; they wanted to explore the amount of funding projected to be available for affordable housing if CPA is passed. Virginia stated that she would find out what the projections are.

Roger Blood **MOVED** and Rita McNally **SECONDED**

That the HAB approve, support, advocate and work for the passage of the proposed CPA Warrant Article which is scheduled for consideration at Fall Town Meeting.

The MOTION was unanimously APPROVED.

**8. Update on next steps for Kent-Station Street Affordable Housing Project**

Roger talked about the process for this project and also that 2Life Communities was recommended as the proposed developer of the site by the Kent-Station Street Review Committee. The next step will have the Select Board vote to form a negotiating committee which will include some HAB

members, and some from the prior Kent-Station Street review committees, who will negotiate with 2Life Communities to seek a financially feasible project with an acceptable scale and design and which can proceed with an amount of Trust Fund support that is affordable and acceptable to the HAB and the Select Board..

#### **9. Updating of Housing Production Plan (current plan expires in October 2021)**

HAB members opened a discussion on the anticipated need to update the Town's 2016 five-year Housing Production Plan as it will expire in October 2021. Jonathan Klein stated that the updated plan should evaluate ways to ramp up housing production. Virginia mentioned that there is grant funding available from DPHCD specifically for the production of Housing Production Plans. Jenny Raitt further stated that the HAB should explore other funding sources for updating the Housing Production Plan at the next HAB meeting. Roger noted that the current affordable housing forums co-sponsored by HAB will be concluding this fall, which could be a good segue for the HAB to maintain that momentum and begin the process of preparing and issuing an RFP for consulting services in support of updating Brookline's HPP.

#### **10. Commercial linkage fees to fund affordable housing – intro discussion**

Steve Heikin talked about commercial linkage fees with HAB members. He stated that after a conversation with Pam McKinney, she had mentioned that Boston utilizes commercial linkage fees for affordable housing and that Brookline should be exploring this possible new revenue source. Steve also explained that exploring linkage fees should be part of the Town also reviewing broader zoning changes. He provided HAB members with information on commercial linkage fees in Somerville, Cambridge and Boston.

#### **UPDATES**

Roger stated that Bill Madsen Hardy has left the Housing Advisory Board by providing the Town with an official notice. He explained that in the future, the Select Board will be accepting applications for a new HAB member.

Virginia also reminded HAB members that the Select Board will also soon be appointing one of its members to become an 8th member of the HAB, pursuant to the recent Town Meeting action to migrate Brookline's local Housing Trust Fund to conform to the provisions of the State's 2005 Municipal Housing Trust statute..

Patrick Dober, departing Executive Director of the BHA spoke briefly about his leadership at the BHA and his appreciation of having enjoyed working over the years with a number of current and former HAB members.

**The meeting was adjourned at 9:34PM**

## ATTACHMENT A

### Amending Zoning Bylaw Section 4.08 (Inclusionary Zoning)

**Version as previously approved by the HAB and as currently appears in the postponed Town meeting Warrant as Article 20:**

*To see if the Town will amend Section 4.08 of the Brookline Zoning Bylaw as follows:*

*--Paragraph 2.e (Definitions, INCOME, LOW OR MODERATE):*

**Replace “100%” with “120%”**

*--Paragraph 3.a, 3.b and 3.c (APPLICABILITY):*

**Replace “six” with “four”**

*--Paragraph 5.d (REQUIRED AFFORDABLE UNITS):*

**Replace “six to 15” with “four to 19”**

**Version with further needed edits for discussion at July 21<sup>st</sup> HAB meeting:**

*To see if the Town will amend Section 4.08 of the Brookline Zoning Bylaw as follows:*

*--Para. 2.e: Increase in upper limit of definition of “Low or Moderate Income” from 100% to 120% AMI (**removed**)*

*--Paragraph 3.a (APPLICABILITY)*

Current Bylaw language:

*3.a. any project that results in the creation of **six** or more dwelling units, whether by new construction or by the alteration, expansion, reconstruction or change of existing residential or non-residential space, except that the resulting number of pre-existing units remaining within the pre-existing building shall not contribute to such count. A unit shall qualify as within the pre-existing building if no more than*

*five percent of the unit's floor area falls outside of the pre-existing building;*

Amended language:

*3.a. any project of **four** or more dwelling units, whether by new construction or by the alteration, expansion, reconstruction or change of existing residential or non-residential space. **In the case of a renovation of and/or an addition to an existing building, pre-existing units remaining within the pre-existing building shall not be counted when applying the 15% affordable unit standard or cash payment option in Paragraph 5 below.** A unit shall qualify as within the pre-existing building if no more than five percent of the unit's floor area falls outside of the pre-existing building;*

*Paragraph 3.b and 3.c (APPLICABILITY): Replace "six" with "four" (no further change)*

*Paragraph 5.a (REQUIRED AFFORDABLE UNITS): Replace "six" with "four" (added)*

*Paragraph 5.d (REQUIRED AFFORDABLE UNITS): Replace "six to 15" with "four to 19" (no further change)*

#### **Brief explanation for the above needed changes:**

1. **Paragraph 2.e** - Removal of the proposed increase in the upper limit in the definition of Low or Moderate income from 100% to 120% of Area Median Income: The intent of this proposed change was to allow a higher upper income limit defining the income range for owner-occupied affordable housing, while leaving the upper limit for rental housing at 100% AMI. Suggestion has been made that this distinction should be specified in the Bylaw and not just in the accompanying Guidelines. For further HAB discussion (See Attachment B below)
2. **Paragraph 3.a** – In our previously approved changes, we had properly reduced the threshold project size for triggering an affordable housing obligation from six to four units. But the remaining existing language in Paragraph 3.a does not accomplish the other change approved by HAB, namely to reduce from

four units to one unit the NET number of new units in a project of  $\geq$  four units which is to trigger the new lower threshold for an affordable housing fee obligation. The amended/added verbiage is intended to establish/clarify that additional requirement. There is no further change to Paragraphs 3.b and 3.c.

3. **Paragraph 5.a:** Replacement of “six” with “four” units. This change should have been included in the earlier HAB approved version to fully align with HAB’s intent to replace all “sixes” with “fours”. An oversight.

(Attachment A modified language approved by HAB)



## **Attachment B**

INCOME, LOW OR MODERATE means a combined household income which is less than or equal to 100% of the median income **for affordable rental units and which is less than or equal to 120% of the median income for affordable owner-occupied units**, except for those units provided under paragraph 5 subparagraph a which shall comply under Chapter 40B of the Massachusetts General Laws, in which case low or moderate income shall mean a combined household income which is less or equal to 80% of median income or any other limit established under Chapter 40B, its regulations or any amendment thereto.

(Attachment B modified language/definition approved by HAB)

## **Attachment C**

SUMMARY OF WARRANT ARTICLE 9 EXPLANATION TO TOWN MEETING WHICH SERVED AS THE BASIS FOR ITS JUNE 2020 VOTE TO APPROVE A \$6.525 MILLION DEVELOPER PAYMENT TO THE TOWN'S HOUSING TRUST.

ALL FUNDS TO BE EARMARKED BY THE TRUST FUND FOR THE EXCLUSIVE USE OF THE BROOKLINE HOUSING AUTHORITY (BHA) AS FOLLOWS:

Affordable Housing developer: Brookline Housing Authority

Project to be funded: Redevelopment of the BHA's Colonel Floyd senior rental housing property on Marion Street

Physical features: One or more new multi-story elevator buildings

Number of affordable housing units: Demolish and replace 60 obsolete two-story walk-up senior housing units and add 40 to 45 net new senior housing units for a total of 100 to 105 new affordable 1BR units

Income levels served: Primarily very low-income renter households

Zoning: Re-zoning not required

Project financing: Housing Trust contribution is one component of a larger BHA financing and subsidy package

Project timing and delivery: Depends upon timing of state subsidy awards and timing of Welltower payment into the Housing Trust

Chapter 40B credit: All new units will receive MA Chapter 40B Subsidized Housing Inventory (SHI) inventory credit